

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

FOX NEWS NETWORK, LLC,

Plaintiffs,

- against -

TVEYES, INC.,

Defendant.

Case No. 13 Civ. 5315 (AKH)

ECF Case

**CONSENT JUDGMENT AND STIPULATED PERMANENT INJUNCTION**

IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiff Fox News Network, LLC (“Fox News”), on the one hand, and Defendant TVEyes, Inc. (“TVEyes”), on the other hand, (collectively, the “Parties”), that this Consent Judgment and Permanent Injunction (the “Permanent Injunction”) be entered in the present action as set forth below without further notice or process:

WHEREAS, the Parties have reached a private settlement; and

WHEREFORE, upon the consent and request of Fox News and TVEyes, IT IS HEREBY ORDERED, ADJUDGED, and DECREED THAT:

1. TVEyes along with its previous, current and future agents, servants, employees, independent contractors, successors, and assigns, and all persons, firms and corporations acting in concert with TVEyes (the “Enjoined Parties”), are enjoined from:

- A. Making available, distributing, publicly performing, or publicly displaying audiovisual clips of copyrighted content owned by Fox News and telecast on Fox News Channel (“FNC”) or Fox Business Network (“FBN”)

(collectively, the “Fox News Content”) without Fox News’ authorization;

or

B. Directly or indirectly infringing Fox News’ copyrights in the Fox News Content.

2. The Court shall retain jurisdiction to entertain such further proceedings and to enter such further orders as may be necessary or appropriate to implement and/or enforce the provisions of this Permanent Injunction. The Parties specifically consent to personal jurisdiction and venue in the United States District Court for the Southern District of New York.

3. This Permanent Injunction shall finally resolve this Action between Fox News and TVEyes, which action, including all claims and affirmative defenses asserted therein, is hereby dismissed with prejudice.

4. Each Party shall bear its own attorney’s fees and costs in connection with this Action.

5. Each Party affirms that its consent to this Permanent Injunction is given freely and voluntarily, and after having had the opportunity to discuss same with its legal counsel.

6. The Clerk of the Court is hereby directed to mark this case closed.

Dated: New York, New York  
January 18, 2019

KIRKLAND & ELLIS LLP

/s/ Dale M. Cendali

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SO ORDERED:

\_\_\_\_\_, 2019

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Hon. Alvin K. Hellerstein  
United States District Judge